

IN COURT OF QUARTER SESSIONS  
OF CAMBERIA COUNTY, PENNA.  
No. 2 JUNE SESSIONS 1948

IN RE: PETITION OF INHABI-  
TANTS OF SUSQUEHANNA TOWNSHIP,  
CAMBERIA COUNTY, PENNSYLVANIA.

REPORT OF VIEWERS

~~Filed Sept. 7, 1948~~

~~Am. Feb. 8, 1949~~

MAHLON J. BAUMGARDNER  
ATTORNEY AT LAW  
JOHNSTOWN, PENNA.  
SWANK BLDG.

Sept 14-1948 Report of Viewers  
approved. *W. H. ...*

By the Court  
W. H. ...

Nov. 18 J. of 1949, exception to  
the above Report of Viewers are sustained  
and the report is vacated.

By the Court  
W. H. ...

IN RE: Petition of Inhabitants of : In the Court of Quarter Sessions  
the Township of Susquehanna, County : of Cambria County, Penna.  
of Cambria, Penna. for the Laying :  
Out of a Public Road. : No. 2 June Sessions, 1948.

REPORT OF VIEWERS

We, the undersigned Viewers, appointed by the above named Court to view a proposed public road or highway in the Township of Susquehanna, County of Cambria, Pennsylvania to begin at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553. A present road exists between the two points on Route #553 but is not in any manner improved and is not adequate for vehicular traffic, respectfully report:

That we were duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the Court; that due public notice of the time and place of the view and the meeting of said Viewers was given by the posting of ten handbills along the route of the proposed highway and at the termini and by personal service on James Wildeman, Esq. of the law firm of Smorto, Wildeman & Peduzzi, attorney for the petitioners and by personal service of Maurice A. Springer, Chief Clerk to the Commissioners of Cambria County Penna. and by service on Steve Pyrz, Secretary of the Board of Supervisors of the township of Susquehanna, County and State aforesaid at least ten days or more prior to the time of the meeting of the Viewers as is evidenced by said notices being hereto attached and made a part of this

report.

In pursuance to said notices we met at the point of beginning on Wednesday July 14th 1948 at 10 o'clock A. M. EDLT and proceeded with the duties of our appointment. There were present at said view Mahlon Baumgardner, John H. Elder and E. F. Dunegan all of the Viewers, J. Harrison Westover, Solicitor for the Board of Supervisors of the Township of Susquehanna, Steve Pycz, Supervisor and Secretary to the Board and Stanley Zemrose, Supervisor and many of the petitioners and owners of houses and lots adjoining the proposed road along its entire length. The viewers and all those present went over the proposed route making a very careful inspection of same. There is a plan of said public highway in the nature of streets and we followed the route as shown in said blue print. All of the viewers are of the opinion the prayer of the petitioners should be granted and THEREFORE we proceeded to lay out a public highway as follows, to wit: BEGINNING at a <sup>point</sup> /on a public highway known and designated as Route No. 553 and intersection of land of Francis Shortencarrier which said point is distant 562 feet from the Spangler Borough line, thence from said point of beginning South fifty-three (53° degrees twenty (20') minutes East a distance of two hundred two (202) feet to a point at intersection of land of Francis Shortencarrier and Mike Trefero South eighty-four (84°) degrees forty-five (45') minutes east four hundred thirty-six (436) feet which two distances are known as McClain Street having lands of Francis Shortencarrier, Mike Trefero, Gabriel Yühas, Joseph Urbas, Thomas Stanwiaz, Mike Antos, Lewis Yozar, Russell Woods, Peter Rayba. Frank Sroka and John Urda as adjoiningers on both sides, thence from said point on McClain Street and along Prosser Street North five (5°) degrees fifteen (15') minutes East one hundred forty (140) feet to intersection of Knight street this portion described having lands of John Urda and George Laban as adjoiningers on both sides, thence from said point on ~~Knight~~ Knight Street aforesaid South eighty-

four (84°) degrees forty-five (45') minutes <sup>East</sup> along center of Knight Street three hundred (300) feet to a point center of of said street and Thomas Street there being as adjoiners on ~~McKnight~~ George Laban and Earl Kinsey and John Davis and John Gresko; thence from said center point on Thomas Street aforesaid South five (5°) degrees fifteen (15') minutes East a distance of four hundred ten (410) feet to a point on State Highway Route or Township Road Route Number 553 the place of ending having as adjoiners on this portion of Thomas Street John Gresko, Zita Illig, Joseph Foxhall, Frank Kimak, Andy Motil and Henry Sansom. We had due respect to the shortest distance and the best ground for the aforesaid public highway and as far as practical agreeable to the desire of the petitioners. In view of the fact that a plan of streets was presented to the viewers, the viewers followed the said plan as per the courses and distances above recited. Practically all of the above named land owners were the petitioners praying for the laying out of the above described public highway.

In view of the fact that the above named public highway permits the petitioners an outlet to the Township Road or Riute Number 553 the Viewers are of the opinion that any damages that the above named land owners may have because of the laying out of the above highway do not balance the benefits wetherfore assess no damages aganist the township fhrthe reason that all of the petitioners are benefitted by the granting and laying out of the said highway. We THEREFORE Lay out as a Public Highway or Road in accordance with the courses and distances above described and as shown on a draft or blue print hereto attached and made a part of this report.

IN WITNESS whereof we have hereunto set our hands this fourth day  
September, A. D. 1948.

Maxim Baumgardner  
John E. Eder  
E. J. O'Connell  
Viewers

IN RE: Petition of Inhabitants of  
the Township of Susquehanna, County  
Cambria., Pa. for the Laying Out  
of a Public Road.

No. 2 June Sessions of the  
Court of Quarter Sessions of  
Cambria County, Pennsylvania.

The County of Cambria in Account with Mahlon Baumgardner,  
John L. Elder and E. F. Dunegan.

To Mahlon Baumgardner:

26 June 1948	Data and Preparing Notices to View	- - \$12.00	
1 July	Posting Notices to View and Acceptances	12.00	
	Mileage - 32 miles	3.20	
14 July	Making of View	\$12.00	
	Mileage - 32 miles	3.20	
7 Aug.	Making survey	12.00	
	Mileage	3.20	SEP 27 1948 CERTIFIED
4 Sept	Preparing and Filing Report	12.00	\$
		<u>12.00</u>	
			\$69.60

To John L. Elder:

14 July	Making View	12.00	
	Mileage 32 miles	3.20	
7 Aug	Making survey	12.00	
	Mileage 32 miles	3.20	SEP 27 1948 CERTIFIED
3 Sept	Data and preparing blue print and draft	12.00	
		<u>12.00</u>	
			\$42.40

To E. F. Dunegan:

14 July	Making View	12.00	
	Mileage 48 miles	4.80	
7 Sept	Making Survey	12.00	SEP 27 1948 CERTIFIED
	Mileage 48 miles	4.80	
		<u>4.80</u>	
			\$33.60



IN RE: Petition of Inhabitants of  
the Township of Susquehanna, County  
of Cambria, Penna., for the Laying  
Out of a Public Road

In the Court of Quarter Sessions  
of Cambria County, Penna.

No. 2 June Sessions, 1948

NOTICE TO VIEW

We, the undersigned, members of the Permanent Board of Viewers of Cambria County, Pa., appointed by the above name Court to view a proposed public road or highway in the Township of Susquehanna, County of Cambria, Penna, to begin at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553. A present road exists between the two points on Route #553 but is not improved in any manner and is not adequate for vehicular traffic will meet at the place of beginning on Wednesday July 14 at 10 o'clock DLT, 1948 for the purpose of performing the duties of our appointment and for the purpose of taking testimony and hearing all matters pertaining thereto.

M. J. Baumgardner

John L. Elder

E. F. Dunegan

26 June 1948

Viewers

NOW 28th June, 1948 I hereby accept service of the above  
Notice to View for the Commissioners of Cambria County, Penna. and  
acknowledge the receipt of a copy of said Notice.

*David A. Springer*  
Chief Clerk Commissioners  
Cambria County, Penna.

Mr. St ysz, Secretary Board of Sup ors, Susquehanna Township, boro  
 R#1 Bo . Please sign this notice ew as Secretary to the Boar supervisors  
 and in. Supervisors William Brown anley Zamrose of the time. our name  
 on line indicated in lead pencil and return to me. The other is your copy for your  
 files. I must have one signed by you as Secretary to make a part of my Report to  
 the Court. We would like to have all of the Supervisors at the hearing and view.  
*To return to* Mahlon Baumgardner, Chairman Board  
 Ebensburg, Pa.

IN RE: Petition of Inhabitants of the Township of Susquehanna, County of Cambria, Penna., for the Laying Out of a Public Road	In the Court of Quarter Sessions of Cambria County, Penna.  No. 2 June Sessions, 1948
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NOTICE TO VIEW

We, the undersigned, members of the Permanent Board of Viewers of Cambria County, Pa., appointed by the above name Court to view a proposed public road or highway in the Township of Susquehanna, County of Cambria, Penna, to begin at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route among the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553. A present road exists between the two points on Route #553 but is not improved in any manner and is not adequate for vehicular traffic will meet at the place of beginning on Wednesday July 14 at 10 o'clock P.M., 1948 for the purpose of performing the duties of our appointment and for the purpose of taking testimony and hearing all matters pertaining thereto.

M. J. Baumgardner

John L. Elder

E. F. Dunegan

26 June 1948

Viewers

NOW July 8 1948 I hereby accept service of the above Notice to view as Secretary to the Board of Supervisors of Susquehanna Township, Cambria County, Pa., and acknowledge to have received a copy of said Notice.

*Stacy Cross*  
*Stacy Cross*  
 Secretary Board of Supervisors  
 Susquehanna Township

IN RE: Petition of Inhabitants of the  
Township of Susquehanna, County of  
Cambria, Penna. for the Laying Out  
of a Public Road

No. 2 June Sessions of the  
Court of Quarter Sessions of  
Cambria County, Penna.

NOTICE TO VIEW

We, the undersigned, members of the Permanent Board of Viewers, appointed by the above named Court to view a proposed public Road or highway in the Township of Susquehanna, County of Cambria, Penna. to begin at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553 aforesaid. A present road exists between the two points on Route #553 but is not improved in any manner and is not adequate for vehicular traffic will meet at the place of beginning on Wednesday July 14 at 10 o'clock EDT, 1948 for the purpose of performing the duties of our appointment and for the purpose of taking testimony and hearing all matters pertaining to same.

M. J. Baumgardner,

John L. Elder

E. F. Dunegan  
Viewers

26 June 1948

Order to view  
For the laying  
out of a Public Road in  
the Township of Susquehanna,  
Cambria County, Pennsylvania.

Viewers

Mr. J. Baumgardner

John L. Elder

C. F. Dunegan

Clerk  
*Joseph P. Weber*

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review, or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

*Commonwealth of Pennsylvania,* }  
*County of Cambria* } **SS.**

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the 1 st. day of June A. D. 1948,

before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of \_\_\_\_\_, in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from

to begin at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty three (643) feet from the Spangler Borough line, said route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553 aforesaid. A present road exists between the two points on Route No. 553 but is not improved in any manner and is not adequate for vehicular traffic. The said road was dedicated as streets by Thomas Byrne on various plans of lots created by the said Thomas Byrne. The said plans have never been recorded however the deeds of adjacent land owners indicate the streets above designated.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint M. J. Baumgardner, John L. Elder and E. F. Dunegan surveyor, and

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest: Joseph C. Weas, Clerk

*Atty for*

IN RE: Petition of Inhabitants of  
the Township of Susquehanna, County  
of Cambria, Penna., for the Laying  
Out of a Public Road

In the Court of Quarter Sessions  
of Cambria County, Penna.

No. 2 June Sessions, 1948

NOTICE TO VIEW

We, the undersigned, members of the Permanent Board of Viewers of Cambria County, Pa., appointed by the above name Court to view a proposed public road or highway in the Township of Susquehanna, County of Cambria, Penna, to begin at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route among the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553. A present road exists between the two points on Route #553 but is not improved in any manner and is not adequate for vehicular traffic will meet at the place of beginning on Wednesday July 14 at 10 o'clock A.M., 1948 for the purpose of performing the duties of our appointment and for the purpose of taking testimony and hearing all matters pertaining thereto.

K. J. Baumgardner

John L. Elder

E. F. Dunegan

26 June 1948

Viewers

NOW 28<sup>th</sup> June 1948 I hereby accept service of the above Notice to View as Counsel for the Petitioners and acknowledge receipt of a copy of said Notice to View.

*James Wildeman*  
James Smorto, Wildeman & Peduzzi

COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNA.  
NO 2 JUNE SESSIONS 1948

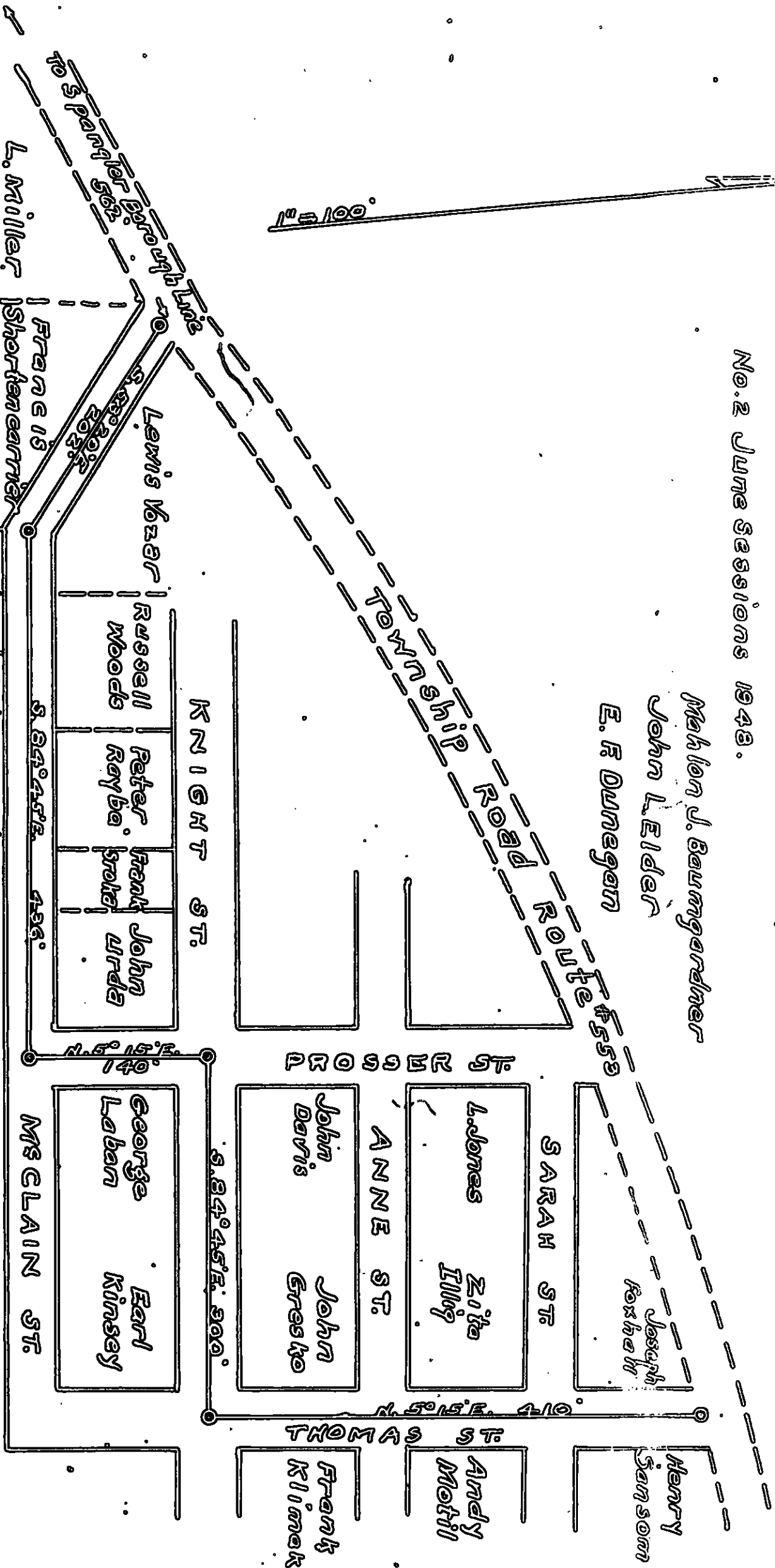
*Not Microfilmed*

Draft Map Road  
in Susquehanna Township  
Cambria County  
Penna

Mahlon Baumgardner  
John L. Elder  
E. F. Dunegan  
Viewers

Viewers appointed upon an order of the  
 Court of Quarter Sessions of Cambria Co., Pa.  
 No. 2 June Sessions 1948.

Mahlon J. Baumgardner  
 John L. Elder  
 E. F. Dunegern



Mike Trefero  
 Gabriel Yudas  
 Joseph Urbas  
 Mike Antos

Thomas Starvitz

PLAN

PROPOSED PUBLIC ROAD

In Susquehanna Township Cambria Co., Pa.

Scale: 1" = 100'. Sept. 4, 1948.

John L. Elder  
 Reg. Eng'r

NO. 2 JUNE TERM, 1948.

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY  
PENNSYLVANIA.

IN THE MATTER OF THE PETITION  
OF INHABITANTS OF THE TOWNSHIP  
OF SUSQUEHANNA, COUNTY OF CAM-  
BRIA AND STATE OF PENNSYLVANIA  
FOR THE LAYING OUT OF A PUBLIC  
ROAD.

2614

Filed 6-1-48

11-2-48

SMORTO, WILDEMAN & PEDUZZI  
ATTORNEYS-AT-LAW  
BARNESBORO, PA. EBENSBURG, PA.

IN THE COURT OF QUARTER SEESIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN THE MATTER OF THE PETITION  
OF INHABITANTS OF THE TOWNSHIP  
OF SUSQUEHANNA, COUNTY OF CAM-  
BRIA AND STATE OF PENNSYLVANIA  
FOR THE LAYING OUT OF A PUBLIC  
ROAD.

No. 2 June Term, 1948.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the undersigned, inhabitants of the Township of  
Susquehanna, in said County and State, respectfully represents:

-1-

That your petitioners labor under great inconvenience for want of  
a public road or highway in the said Township of Susquehanna, to begin at a  
point on a Township Road known and designated as Route No. 553, said point  
being approximately six hundred forty three (643) feet from the Spangler  
Borough line, said Route No. 553 being a continuation of North 15th Street in  
said Borough; thence by convenient route along the properties of the petitioners  
to a point of ending which is at the intersection of Thomas Street and Township  
Road No. 553 aforesaid. A present road exists between the two points on Route  
No. 553 but is not improved in any manner and is not adequate for vehicular  
traffic. The said road was dedicated as streets by Thomas Byrne on various  
plans of lots created by the said Thomas Byrne. The said plans of lots have  
never been recorded however the deeds of adjacent land owners indicate the  
streets above designated.

That written notice of the application for the opening of said roads for public use was given to each of the Supervisors of Susquehanna Township as will appear by copies of said notice with acceptances thereon by the respective members of the Board of Supervisors of said Township, said copies of notice and acceptances being hereto attached, made a part hereof, and marked Exhibits "A", "B", and "C", and that notice of application was also given to the County Commissioners of Cambria County as will appear by a copy of said notice with acceptance of service thereon, which is hereto attached, and made a part hereof and marked Exhibit "D".

Your petitioners, therefore, pray the Court to inquire of said road and open the same as a business highway and for that purpose to appoint viewers according to law to view the same and inquire of the premises and make return of their proceedings according to the Act of Assembly in such case made and provided.

And they will ever pray, etc.

Signed, Sealed and Delivered

in the presence of;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mike Antos ✓  
Agnes Antos ✓  
Helen Woods ✓  
Russell Woods ✓  
Joseph Wilson ✓  
John Kunitak ✓  
Mary Kunitak ✓  
Mike Truesdell ✓  
Frank Sroka ✓  
Agnes Sroka ✓

Wasył Tocarchuk

Andrew Motil ✓

Ymar Wagon ✓

Peter Pagon ✓

Babow Zukas ✓

John Woda ✓

John Davis ✓

John Gresh ✓

Joseph Klimak ✓

J. W. Shortenauer ✓



DECREE

AND NOW, June 1st 1948, the foregoing petition

having been read and considered, it is ordered that

E. F. Deming

and

John L. Elder  
H. J. Baumgardner  
Chairman

members of the Board of Viewers of Cambria County, be and are hereby appointed to view and report on the above matter, according to law.

By the Court,

McCamp J.  
Biffert J.

# RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Steve Pysz  
(Signature or name of addressee)

2 Margaret Pysz  
(Signature of addressee's agent—Agent should write addressee's name on line ONE above)

Date of delivery 5/10/48 1948

Post Office Department

OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



POSTMARK OF DELIVERING  
OFFICE

Return to

*Smorto Waldman & Peduzzi*

(NAME OF SENDER)

Street and Number,  
or Post Office Box,

REGISTERED ARTICLE

No.

*1840*

Post Office

*Barnesboro*

INSURED PARCEL

No.

16-12421

State

*Pa*

## RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

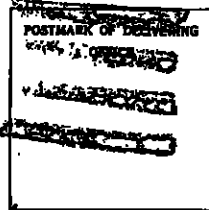
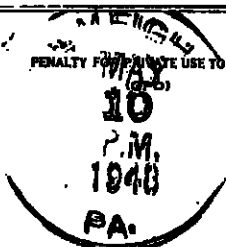
1 Mr. How Brown  
(Signature or name of addressee)

2 How Stewart  
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 5-10, 1948

Post Office Department  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



Return to *Smoot Waldman & Peduzzi*

(NAME OF BENDER)

Street and Number,  
or Post Office Box, }

REGISTERED ARTICLE

No. *1841*

Post Office *Barnesboro*

INSURED PARCEL

State *Pa.*

No. \_\_\_\_\_

15-12421

IN THE MATTER OF THE PETITION  
OF INHABITANTS OF THE TOWNSHIP  
OF SUSQUEHANNA, COUNTY OF CAM-  
BRIA AND STATE OF PENNSYLVANIA  
FOR THE LAYING OUT OF A PUBLIC  
ROAD.

**SUPERVISORS OF SUSQUEHANNA TOWNSHIP:**

Please take notice that a petition in the above captioned matter will be filed in the Court of Quarter Sessions of Cambria County, Pennsylvania, on May 31 A. D. 1968. The road requested to be opened is described as follows:

Beginning at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty three (643) feet from the Spangler Borough Line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553 aforesaid. A present road exists between the two points on Route No. 553 but is not improved in any manner and is not adequate for vehicular traffic. The said road was dedicated as streets by Thomas Byrne on various plans of lots created by the said Thomas Byrne. The said plans of lots have never been recorded however the deeds of adjacent landowners indicate the streets above designated.

Shirley Williams Ed. P. P. P.  
Attorneys for Petitioners

AND NOW, July 10, 1968, I hereby accept service of the above notice.

William Brown

IN THE MATTER OF THE PETITION  
OF INHABITANTS OF THE TOWNSHIP  
OF SUSQUEHANNA, COUNTY OF CAM-  
BERIA AND STATE OF PENNSYLVANIA  
FOR THE LAYING OUT OF A PUBLIC  
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*Smart & Walden & Peduzzi*  
Attorneys for the Petitioners

AND NOW, July 10, 1948, I hereby accept service of the above notice.

*Steve Pappas* Sec

IN THE MATTER OF THE PETITION  
OF INHABITANTS OF THE TOWNSHIP  
OF SUSQUEHANNA, COUNTY OF CAM-  
BRIA AND STATE OF PENNSYLVANIA  
FOR THE LAYING OUT OF A PUBLIC  
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*Smart & Wilkins & Pidgeon*  
Attorneys for Petitioners

AND NOW, May 8<sup>th</sup>, 1948, I hereby accept service of  
the above notice.

X *Stanley*

IN THE MATTER OF THE PETITION  
OF INHABITANTS OF THE TOWNSHIP  
OF SUSQUEHANNA, COUNTY OF CAM-  
BRIA AND STATE OF PENNSYLVANIA  
FOR THE LAYING OUT OF A PUBLIC  
ROAD.

TO THE COMMISSIONERS OF CAMBRIA COUNTY, PENNSYLVANIA:

Please take notice that a petition in the above captioned matter will be filed in the Court of Quarter Sessions of Cambria County, Pennsylvania, On May 31<sup>st</sup> A. D. 1948. The road requested to be opened is described as follows:

Beginning at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553 aforesaid. A present road exists between the two points on Route No. 553 but is not improved in any manner and is not adequate for vehicular traffic. The said road was dedicated as streets by Thomas Byrne on various plans of lots created by the said Thomas Byrne. The said plans of lots have never been recorded; however, the deeds of adjacent landowners indicate the streets above designated.

*Swints Wilbensen & Peduzzi*  
Attorneys for Petitioners.

AND NOW, May 12<sup>th</sup> A. D. 1948, I hereby accept service of the above notice for the County Commissioners, and waive the issuance of any Rule or other notice required by the Rules of Court.

*Maurice A. Springs*  
Chief Clerk.

IN COURT OF QUARTER SESSIONS  
CAMBERIA COUNTY, PENNA.  
NO. 2 JUNE SESSIONS.

2614

PETITION FOR ROAD IN  
SUSQUEHANNA TOWNSHIP,  
CAMBERIA COUNTY, PENNA.

COPY  
REPORT OF VIEWERS

IN RE: Petition of Inhabitants of  
the Township of Susquehanna, County  
of Cambria, Penna. for the Laying  
Out of a Public Road.

: In the Court of Quarter Sessions  
: of Cambria County, Penna.  
: No. 2 June Sessions, 1948.

REPORT OF VIEWERS

We, the undersigned Viewers, appointed by the above named Court to view a proposed public road or highway in the Township of Susquehanna, County of Cambria, Pennsylvania to begin at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553. A present road exists between the two points on Route #553 but is not in any manner improved and is not adequate for vehicular traffic, respectfully report:

That we were duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the Court; that due public notice of the time and place of the view and the meeting of said Viewers was given by the posting of ten handbills along the route of the proposed highway and at the termini and by personal service on James Wildeman, Esq. of the law firm of Smorto, Wildeman & Peduzzi, attorney for the petitioners and by personal service of Maurice A. Springer, Chief Clerk to the Commissioners of Cambria County Penna. and by service on Steve Pyrz, Secretary of the Board of Supervisors of the Township of Susquehanna, County and State aforesaid at least ten days or more prior to the time of the meeting of the Viewers as is evidenced by said notices being hereto attached and made a part of this

report.

In pursuance to said notices we met at the point of beginning on Wednesday July 14th 1948 at 10 o'clock A. M. EDT and proceeded with the duties of our appointment. There were present at said view Mahlon Baumgardner, John H. Elder and E. F. Danegan all of the Viewers, J. Harrison Westover, Solicitor for the Board of Supervisors of the Township of Susquehanna, Steve Pycz, Supervisor and Secretary to the Board and Stanley Lemrose, Supervisor and many of the petitioners and owners of houses and lots adjoining the proposed road along its entire length. The viewers and all those present went over the proposed route making a very careful inspection of same. ~~There is~~ is a plan of said public highway in the nature of streets and we followed the route as shown in said blue print. All of the viewers are of the opinion the prayer of the petitioners should be granted and THEREFORE we proceeded to lay out a public highway as follows, to wit: BEGINNING at a <sup>point</sup> on a public highway known and designated as Route No. 553 and intersection of land of Francis Shortencarrier which said point is distant 562 feet from the Spangler Borough line, thence from said point of beginning South fifty-three (53° degrees twenty (20') minutes East a distance of two hundred two (202) feet to a point at intersection of land of Francis Shortencarrier and Mike Trefere South eighty-four (84°) degrees forty-five (45') minutes east four hundred thirty-six (436) feet which two distances are known as McClain Street having lands of Francis Shortencarrier, Mike Trefere, Gabriel Yuhas, Joseph Urbas, Thomas Stanwiaz, Mike Antos, Lewis Yozar, Russell Woods, Peter Rayba, Frank Sroka and John Urda as adjoiningers on both sides, thence from said point on McClain Street and along Frosser Street North five (5°) degrees fifteen (15') minutes East one hundred forty (140) feet to intersection of Knight street this portion described having lands of John Urda and George Laban as adjoiningers on both sides, thence from said point on Knight Street aforesaid South eighty-

four (84°) degrees forty-five (45') minutes <sup>East</sup> along center of Knight Street three hundred (300) feet to a point center of of said street and Thomas Street there being as adjoiners on ~~Mc~~ Knight George Laban and Earl Kinsey and John ~~W~~avis and John Gresko; thence from said center point on Thomas Street aforesaid South five (5°) degrees fifteen (15') minutes East a distance of four hundred ten (410) feet to a point on State Highway Route or Township Road Route Number 553 the place of ending having as adjoiners on this portion of Thomas ~~S~~avena John Gresko, Zita Illig, Joseph Foxhall, Frank Himak, Andy Kotil and Henry Sansom. We had due respect to the shortest distance and the best ground for the aforesaid public highway and as far as practical agreeable to the desire of the petitioners. In view of the fact that a plan of streets was presented to the viewers, the viewers followed the said plan as per the courses and distances above recited. Practically all of the above named land owners were the petitioners praying for the laying out of the above described public highway.

In view of the fact that the above named public highway permits the petitioners an outlet to the Township Road or Riute Number 553 the Viewers are of the opinion that any damages that the above named land owners may have because of the laying out of the above highway do not balance the ~~same~~ benefits wetherfore assess no damages against the township for the reason that all of the petitioners are benefitted by the granting and laying out of the said highway. We THEREFORE lay out as a Public Highway or Road in accordance with the courses and distances above described and as shown on a draft or blue print hereto attached and made a part of this report.

IN WITNESS whereof we have hereunto set our hands this fourth day  
September, A. D. 1948.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Viewers

In the Court of Quarter Sessions  
of Cambria County, Pennsylvania.  
No. 2 June Sessions 1948

In Re: Petition of Inhabitants  
of the Township of Susquehanna,  
County of Cambria and State of  
Pennsylvania, for the laying out  
of a road.

2614

EXCEPTIONS TO THE REPORT  
OF VIEWERS

*Filed Sept. 27-1948  
now Feb. 8, 1949  
Exceptions sustained  
By the Court  
W. H. ...  
J. H. ...  
L. H. ...*

LAW OFFICES OF  
J. HARRISON WESTOVER  
FIRST NATIONAL BANK BUILDING  
SPANGLER, PENNSYLVANIA

In Re: Petition of Inhabitants of the Township of Susquehanna, County of Cambria and State of Pennsylvania, for the laying out of a road.

In the Court of Quarter Sessions of Cambria County, Pennsylvania.

No. 2 June Sessions 1948.

#### EXCEPTIONS TO THE REPORT OF VIEWERS

The Supervisors of the Township of Susquehanna, County of Cambria, and State of Pennsylvania, file the following exceptions to the Report of Viewers in the above stated matter:

1. The viewers in their report do not find as a fact that there is legal necessity for the public highway as reported by them. The report states "All of the viewers are of the opinion the prayer of the petitioners should be granted." The prayer of the petitioners is as follows: "Your petitioners, therefore, pray the Court to inquire of said road and open the same as a business highway and for the purpose to appoint viewers according to law to view the same and inquire of the premises and make return of their proceedings according to the Act of Assembly in such case made and provided."
2. The viewers in their findings of fact report the following; "In view, of the fact that a plan of streets was presented to the viewers, the viewers followed the said plan as per the courses and distances above recited. Practically all of the above named land owners were the petitioners praying for the laying out of the above described public highway." In this finding, the viewers have clearly taken into consideration only the convenience of the petitioners and not the necessity of the traveling public in general. Public roads may only be authorized for use of the general public. From the report of viewers it appears clearly that neither public necessity nor occasion exists for a public road.
3. The termini of the proposed road, as appears in the report of viewers and on the plan attached thereto, are on Township Road Route #553. Between these termini, the proposed road would parallel Township Road Route #553, which is ample to care for the traveling public.

4. The proposed road will not benefit the community at large but only a very few property owners, along the proposed route, who are the only petitioners for the road. These property owners all have access to private roads or streets leading to Route #553. Their properties consist of a small part of the Byrnesville Plan of lots, with abutting private roads, streets and alleys and it would be beyond the financial ability of the Township to provide and maintain public roads for small groups of property owners so situated within the Township. If such proposed road were confirmed by the Court other property owners in Byrnesville and other villages in Susquehanna Township, such as Allport, Cymbria, Emeigh, Garmantown, Plattsville, would be entitled to the same consideration. In fact any place in the Township, where several property owners live along a private road, would be entitled to the same consideration and where several farm properties use the same private road, such property owner would be entitled to the same consideration. The present laws of Pennsylvania and the decisions of our Courts thereunder, do not authorize the laying out of public roads under such circumstances.

5. At the present time, the Township of Susquehanna has thirty four miles of public roads to keep in repair and maintain. The cost of keeping the same in repair is very burdensome upon the tax payers of Susquehanna Township, and unless it clearly appears that a proposed road is a public necessity, for use of the general public, as contemplated under the law, no such road should be approved by the Court.

6. Township Road Route #553 between the termini set forth in the report of viewers is a long established public highway in good condition, so that there is clearly no necessity for another public road between these termini.

7. Until such time as Township Road Route #553, between the termini set forth in the report of viewers is vacated, as part of a public road, no necessity exists for another public road between said termini.

  
Attorney for Exceptants